S.B.CRIMINAL MISC. BAIL APPLICATION NO.4612/2007
(Mahendra vs. State of Rajasthan)

DATE OF ORDER : October 03, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.R.K.Charan, for the petitioner.

Mr.Visha Raj Mehta, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioner that the petitioner was transporting the liquor under a valid permit but was not transporting in the vehicle, which was mentioned in the permit order. However, subsequently, the excise authority granted the permit in respect of the very jeep in which the liquor was transported. He has placed on record the order of Depot Manager, RSBCL for Udaipur dt. 20.8.2007, wherein it has been made clear that the liquor was authorized to be transported under the permit by vehicle bearing No.RJ27-1G-1722.

From perusal of the order impugned, it appears that the very jeep bearing No. RJ27-1G-1722 was intercepted and liquor was found transporting.

Looking to the facts and circumstances of the case and the fact that the liquor was found transporting under the valid permit, having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Mahendra s/o Tulsi Ram in FIR No.106/2007, Police Station, Nai, Distt. Udaipur, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-